



Federal Communications Commission
Washington, D.C. 20554

DA 07-4525
November 8, 2007

Michael E. Carosella
QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, CA 92121

Re: WPZA238, Detroit, MI
ULS File No. 0003122572

Dear Mr. Carosella,

On July 26, 2007, you filed an FCC Form 601 application for modification of station WPZA238, seeking authorization to operate on TV Channel 55 in the Detroit, MI area.¹ Your application incorporates broadcaster consent, pursuant to section 27.60(b)(1)(iv) of the Commission's rules.² This rule section permits a 700 MHz Band licensee to obtain the written concurrence of a co-channel or adjacent channel TV/DTV broadcaster, whereby the incumbent broadcaster consents to accept higher levels of interference than the rule otherwise permits, subject to Commission approval.³

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and WKAR Public Broadcasting ("WKAR") licensee of WKAR-DT, channel 55, in East Lansing, MI. In the agreement, WKAR has agreed to accept potential interference to the population in the noise limited service contour of WKAR-DT's licensed facilities (BLEDT-20040128AKJ). We note that this interference represents the total amount of interference that WKAR-DT will experience from QUALCOMM's proposed operations in the Detroit, MI area, as well as other previously or concurrently authorized QUALCOMM facilities, and that WKAR's consent covers QUALCOMM's operations in all contributing markets.

Your application includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and NEXSTAR Broadcasting, Inc. ("NEXSTAR") licensee of WFFT-TV, channel 55, in Fort Wayne, IN. In the agreement, NEXSTAR has agreed to accept potential interference to the population in the Grade B contour of WFFT-TV's licensed facilities (BLCT-20001002APS). We note

¹ The Commission placed the application on public notice. *See* Wireless Bureau Market-Based Applications Accepted for Filing, *Public Notice*, Report No. 3369 at 5 (rel. Aug. 15, 2007). No petitions have been filed against the application.

² *See* 47 C.F.R. § 27.60(b)(1)(iv).

³ This approval process involves an analysis by the Media Bureau, under delegated authority, to determine whether grant of the application is in the public interest. *See* Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 20845 (2000) (basis for public interest analysis of Lower 700 MHz consent agreements); Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, *Report and Order*, 17 FCC Rcd 1022 (2002) (framework for public interest analysis of Lower 700 MHz "band-clearing" agreements) ("Lower 700 MHz Report and Order").

that this interference represents the total amount of interference that WFFT-TV will experience from QUALCOMM's proposed operations in the Detroit, MI area, as well as other previously or concurrently authorized QUALCOMM facilities, and that NEXSTAR's consent covers QUALCOMM's operations in all contributing markets.

Your application also includes a copy of a consent agreement between QUALCOMM Incorporated ("QUALCOMM") and ION Media Networks, Inc. ("ION") licensee of WPXE(TV), channel 55, in Kenosha, WI. In the agreement, ION has agreed to accept potential interference to the population in the Grade B contour of WPXE(TV)'s licensed facilities (BLCT-19970707KE). We note that this interference represents the total amount of interference that WPXE(TV) will experience from QUALCOMM's proposed operations in the Detroit, MI area, as well as other previously or concurrently authorized QUALCOMM facilities, and that ION's consent covers QUALCOMM's operations in all contributing markets. QUALCOMM will operate in Detroit, MI from multiple sites.

For the reasons discussed below, we find that grant of the application is in the public interest.⁴ First, our approval of the application will allow QUALCOMM to deploy its MediaFLO ("forward link only") technology, a "mediacast" service capable of delivering many channels of multimedia content to third generation ("3G") wireless phones. According to QUALCOMM, which holds licenses for Channel 55 (Block D in the Lower 700 MHz Band) covering the entire nation, MediaFLO initially will provide up to fifteen live streaming video program channels, numerous video "clip cast" channels from which subscribers can choose video clips for viewing on-demand, and numerous audio channels.⁵ QUALCOMM states that MediaFLO will be available at "mass market" prices for most of the nation's over 194 million mobile phone customers, and that it will spur the development of new content and new technologies.⁶ QUALCOMM also intends that the network will carry local programming and core public interest program content such as breaking news, weather, and public affairs, as well as maintain network capability to disseminate emergency alert information, in both visual (including textual) and auditory form. QUALCOMM further states that its MediaFLO technology offers distinct efficiency and cost advantages in delivering content to a large mobile subscriber base, as compared to cellular and higher-frequency based systems. Moreover, as QUALCOMM notes, MediaFLO will be affordable, readily available and will stimulate new development on a large scale within the emerging technology of mobile video.⁷ Given that QUALCOMM's business plan calls for an investment of \$800 million, grant of this application will contribute to the growth of the American economy.⁸

Second, with respect to WPXE(TV), the Commission already has determined that the public interest would be served by approving QUALCOMM's application to expand its MediaFLO service to the Chicago, IL area, which also included the consent of ION to accept higher levels of interference to

⁴ With respect to any stations receiving interference for which consent is not provided, we note that Qualcomm's proposed operations are in accordance with the terms of the Commission's Order granted October 13, 2006. *See* Qualcomm Incorporated Petition for Declaratory Ruling, *Order*, 21 FCC Rcd 11683 (2006).

⁵ QUALCOMM Attachment to application for modification of Station WPZA238, ULS File No. 0002395142 at 5.

⁶ *Id.*

⁷ QUALCOMM Attachment at 5, 6.

⁸ QUALCOMM Attachment at 6.

WPXE(TV).⁹ In this case, the area of interference in the Chicago area and the Detroit area are the same. The application also proposes a slight increase in the interference already approved to WFFT-TV,¹⁰ from 2.53% to 2.99%, and we find that the same factors relied upon in the prior grant letters justify a grant of this latest application. WFFT-TV is not the only station licensed to Fort Wayne, IN and only 1,867 people who live within the area of agreed-upon interference are within WFFT-TV's home DMA, or approximately .03% of the population of the DMA. WFFT-TV is a FOX affiliate and the remaining 18,608 persons who live outside the station's home DMA will continue to receive service from at least two other FOX affiliates.

For WKAR-DT, it is not the only station licensed to East Lansing, MI. While it is the sole noncommercial educational station licensed to East Lansing,¹¹ all viewers in the loss area will continue to receive DTV service from one to three other noncommercial educational television stations. The area is also well-served by at least 12 and as many as 34 other TV/DTV stations, including WKAR(TV). In addition, almost all of the area of agreed-upon interference is outside the station's home Lansing DMA; only 4,247 persons, or 1.7% of the population receiving interference, reside within the Lansing DMA.

Accordingly, we believe that the public interest will be served by a grant of QUALCOMM's application, conditioned upon operating within the technical parameters specified in the application, and in accordance with the WKAR, NEXSTAR, and ION Agreements. Any changes to the technical parameters of the proposed facilities that will result in levels of interference greater than those agreed to in the preceding agreements referenced herein, or that result in any additional interference under the thresholds established in the Commission's Qualcomm Order, will require separate Commission approval.

Sincerely,

Barbara A. Kreisman, Chief
Video Division
Media Bureau

Roger S. Noel, Chief
Mobility Division
Wireless Telecommunications Bureau

⁹ See *Letter to Michael E. Carosella, QUALCOMM Incorporated*, 22 FCC Rcd 10165, 10167 (2007); *Letter to Jennifer M. McCarthy*, 21 FCC Rcd 4093, 4094 (2006).

¹⁰ *Letter to Michael E. Carosella, QUALCOMM Incorporated*, 22 FCC Rcd 3831, 3834 (2007).

¹¹ Noncommercial educational television stations are not rated by Nielson.